

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 2, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 25, 2006.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting held on April 25, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. A one-time cash award for Sherri Morrison, an employee with the Clerk of the District Court's Office, in the amount of \$500 due to exceptional circumstances. - Sue Kirkland, Clerk of the District Court

Linda Sanchez-Masi, Chief Deputy Clerk of the District Court, gave a brief summary of the circumstances relating to the one-time cash award.

MOTION: Stevens moved and Hudkins seconded approval of a one-time cash award for Sherri Morrison, an employee with the Clerk of the District Court's Office, in the amount of \$500 due to exceptional circumstances. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

B. Historical markers for Lancaster County abandoned and neglected cemeteries - Russ Shultz, Weed Control Superintendent

Russ Shultz, Weed Control Superintendent, explained that the County has assumed the maintenance of six abandoned/neglected pioneer cemeteries since 1995. Shultz displayed one of the historical markers which will be posted designating certain cemeteries as being abandoned/neglected pioneer cemeteries.

3) **CLAIMS: Approval of all claims processed through Tuesday, May 2, 2006.**

MOTION: Heier moved and Workman seconded approval of all claims processed through May 2, 2006. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Increase in appropriations for the County Property Management Fund and Families First and Foremost Fund. The original Property Management Fund budget of \$1,042,728 needs to be increased \$152,000 due to unanticipated repairs to Trabert Hall and a rate increase for gas and electricity not anticipated at the time the budget was adopted. The Families First and Foremost Fund budget of \$4,093,373 needs to be increased by \$3,000 to allow for the final transfer of all funds. (See New Business Item 6A for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Deputy Clerk administered the oath to Dave Kroeker, Budget and Fiscal Director.

Hudkins asked if the amount of money was sufficient.

Kroeker stated yes, however, there will be additional increases relating to retirement incentives later in the year.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

B. An application for Corporate Manager for James W. Partington and a new application for a Class Y (Farm Winery) liquor license for Deer Springs Winery, L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Deputy Clerk administered the oath to James W. Partington, applicant.

Partington stated the winery is located on their original 80-acre homestead which has been in the family since 1877. The plan, he said, is to begin processing wine this season. In 2007 the home located on the homestead will be used as a retail sales facility and wine tasting room which will seat 18 to 20 people. Partington stated they would be processing approximately 1,000 gallons of wine (5,000 bottles) in the first year, with the hope of increasing production to 2,000 gallons within five years. Also addressed was parking and outdoor events.

Hudkins asked Partington if he would accept grapes from other growers for processing.

Partington stated they have contracted with two growers for the current year and hoped to add two additional growers next year.

Stevens noted two errors on the application relating to convictions and recommended they be corrected to coincide with the Sheriff's report.

Partington stated he would be willing to correct the application.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed for one week.

C. An application for Corporate Manager for Toni L. Parker and a new application for a Class D (Beer, Wine & Distilled Spirits, Off Sale Only) liquor license for Blue Collar Liquor, Inc. d/b/a Blue Collar Liquor, 13940 "O" Street, Unit 1B, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

4) **PUBLIC HEARINGS CONTINUED:**

The Deputy Clerk administered the oath to John Boehm, attorney representing applicant, and Toni L. Parker, Corporate Manager applicant.

Boehm presented the application for Blue Collar Liquor as well as the application for Corporate Manager. Also addressed by Boehm was Ms. Parker's criminal history in which he referred to additional information submitted to the County Board (Exhibit 1).

In response to a question asked by Stevens, Parker stated she was part owner of the business.

Stevens asked Parker when she would complete the diversion program.

Parker responded she would complete the program approximately August 24, 2006.

The Deputy Clerk administered the oath to Terry Wagner, Lancaster County Sheriff.

The Chair asked if the Sheriff's Office had received additional information.

Wagner indicated he reviewed the additional information submitted by Boehm, as well as the correspondence from the Sarpy County District Court and found that the entries were incorrect on the criminal history check conducted by his office. He also explained that the reference to a charge of a false statement to obtain unemployment benefits was included not so much as a conviction, but for the Board's consideration as to determination of character.

Board consensus to request additional information regarding an arrest warrant issued by the Sheriff's Office and verification of participation in the Diversion Services Program.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was recessed for one week.

5) **OLD BUSINESS:**

- A. A contract with Whitehead Oil Company for annual requirements for small load motor fuel for the County Engineering Department. Term of the contract begins on March 1, 2006 and ends February 28, 2009 with an option to renew for an additional three year period with mutual consent. Unit prices and products are outlined in Specification 06-054. (C-06-0150)**

MOTION: Stevens moved and Hudkins seconded approval of a contract with Whitehead Oil Company for annual requirements for small load motor fuel for the County Engineering Department. Term of the contract begins on March 1, 2006 and ends February 28, 2009 with an option to renew for an additional three year period with mutual consent. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

- B. Renewal of a maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI), in the amount of \$15,863.01, for the ARC/Info Software that is used by the County Engineer's and County Assessor/Register of Deeds' Geographic Information System (GIS) system. The agreement covers technical support, software upgrades and User Conference registrations requested by the County Engineer and County Assessor/Register of Deeds for their GIS system. Term of the agreement is July 21, 2006 through July 20, 2007. (C-06-0146)**

Jim Langtry, GIS Manager with the County Engineering Department, gave a brief overview of the maintenance agreement.

MOTION: Stevens moved and Workman seconded approval of the renewal of a maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI), in the amount of \$15,863.01, for the ARC/Info Software that is used by the County Engineer's and County Assessor/Register of Deeds' Geographic Information System (GIS) system. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. A resolution in the matter of supplementing appropriations from previously adopted budget for the County Property Management Fund, in the amount of \$152,000, and for the Families First and Foremost Fund, in the amount of \$3,000. The amended budget needs to be increased because of unanticipated maintenance to Trabert Hall, higher than anticipated rate increases for natural gas and electricity and current year revenues greater than anticipated for Families First and Foremost. (R-06-0040)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 06-0040 in the matter of supplementing appropriations from previously adopted budget for the County Property Management Fund, in the amount of \$152,000, and for the Families First and Foremost Fund, in the amount of \$3,000. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

- B. A resolution in the matter of declaring the week of May 1 through May 7, 2006 as Public Service Recognition Week. (R-06-0041)**

MOTION: Stevens moved and Heier seconded approval Resolution 06-0041 in the matter of declaring the week of May 1 through May 7, 2006 as Public Service Recognition Week. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

- C. A utility relocation agreement between the Lancaster County Engineering Department and Lancaster County Rural Water District No. 1, in the amount of \$5,560, to relocate an existing water line located on South 25th Street; Project 06-28, Concrete Box Culverts, Structure No. S-53. (C-06-0152)**

MOTION: Hudkins moved and Stevens seconded approval of a utility relocation agreement between the Lancaster County Engineering Department and Lancaster County Rural Water District No. 1, in the amount of \$5,560, to relocate an existing water line located on South 25th Street. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

D. An agreement between Olsson Associates and Lancaster County to allow Olsson's to utilize the County's right-of-way for soil boring tests at the following locations: one-half mile east of South 84th Street on Yankee Hill Road, at the intersection of South 84th Street and Yankee Hill Road and 200 feet south of Breagan Road on South 98th Street. The work will commence upon execution of the agreement and be completed by May 20, 2006. (C-06-0153)

MOTION: Stevens moved and Workman seconded approval of an agreement between Olsson Associates and Lancaster County to allow Olsson's to utilize the County's right-of-way for soil boring tests at the following locations: one-half mile east of South 84th Street on Yankee Hill Road, at the intersection of South 84th Street and Yankee Hill Road and 200 feet south of Breagan Road on South 98th Street. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

E. A confidentiality agreement with defenderData, L.L.C. to ensure the confidentiality of the County Attorney Office's records and information during the period that defenderData is providing the County with a test version of its case management software. (C-06-0154)

MOTION: Heier moved and Stevens seconded approval of a confidentiality agreement with defenderData, L.L.C. to ensure the confidentiality of the County Attorney Office's records and information during the period that defenderData is providing the County with a test version of its case management software. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

F. An agreement with Lincoln Orthopedic Center, P.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Lincoln Orthopedic Center will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30 day termination provision. (C-06-0162)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of an agreement with Lincoln Orthopedic Center, P.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

G. An agreement with LOC Surgery Center to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and LOC Surgery Center will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30 day termination provision. (C-06-0163)

MOTION: Stevens moved and Workman seconded approval of an agreement with LOC Surgery Center to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

H. Recommendation from the Purchasing Agent and the City Natural Resources Manager to award a bid to Constructors, Inc., in the amount of \$483,769.50, for the construction of Jamaica North Trail; STPB-55 and a letter from the Lancaster County Board requesting the concurrence of the Nebraska Department of Roads to award the bid to Constructors, Inc. (B-06-0019)

MOTION: Hudkins moved and Stevens seconded approval to award a bid to Constructors, Inc., in the amount of \$483,769.50, for the construction of Jamaica North Trail; STPB-55 and a letter from the Lancaster County Board requesting the concurrence of the Nebraska Department of Roads to award the bid to Constructors, Inc. as recommended by the Purchasing Agent and the City Natural Resources Manager. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. **Supplemental agreement no. 2 with the Nebraska Department of Roads for construction of the Jamaica North Trail, Project No. STPB-55(150), State Control No. 12735, extending the deadline for the project to be under a construction contract to prior to June 2, 2006. (C-06-0161)**

MOTION: Workman moved and Stevens seconded approval of supplemental agreement no. 2 with the Nebraska Department of Roads for construction of the Jamaica North Trail, Project No. STPB-55(150), State Control No. 12735, extending the deadline for the project to be under a construction contract to prior to June 2, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- J. **Recommendation from the Purchasing Agent and the County Engineer to award a bid to Metal Culverts, Inc., in the amount of \$23,523.32, for culvert pipe; Project 06-29. (B-06-0020)**

MOTION: Workman moved and Stevens seconded approval to award a bid to Metal Culverts, Inc., in the amount of \$23,523.32, for culvert pipe as recommended by the Purchasing Agent and the County Engineer. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- K. **Recommendation from the Purchasing Agent to award a bid to Truax Company, Inc., in the amount of \$11,130, for a grain drill used for seeding. (B-06-0021)**

MOTION: Heier moved and Stevens seconded approval to award a bid to Truax Company, Inc., in the amount of \$11,130, for a grain drill used for seeding as recommended by the Purchasing Agent. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- L. **Recommendation from the Purchasing Agent and the Corrections Department to award a bid to A.A. Horwath & Sons Laundry Equipment, in the amount of \$14,730, for two commercial washer-extractors and gas dryers. (B-06-0022)**

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval to award a bid to A.A. Horwath & Sons Laundry Equipment, in the amount of \$14,730, for two commercial washer-extractors and gas dryers as recommended by the Purchasing Agent and the Corrections Department. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and the Lincoln-Lancaster County Health Department to award a bid to Nemaha Landscape Construction, in the amount of \$93,950, for landscaping at the Health Department. (B-06-0023)

MOTION: Heier moved and Hudkins seconded approval to award a bid to Nemaha Landscape Construction, in the amount of \$93,950, for landscaping at the Health Department as recommended by the Purchasing Agent and the Lincoln-Lancaster County Health Department.

Stevens asked why the County was awarding the bid.

Heier withdrew his motion and the seconder concurred.

By direction of the Chair the item was held.

N. Notice of termination of County Contract Nos. C-01-0390 and C-02-0308 with Lincoln Council on Alcoholism and Drugs, Inc. for substance use evaluation services for participants in the Lancaster County Adult Drug Court. Termination is effective July 3, 2006.

MOTION: Stevens moved and Heier seconded approval of a notice of termination of County Contract Nos. C-01-0390 and C-02-0308 with Lincoln Council on Alcoholism and Drugs, Inc. for substance use evaluation services for participants in the Lancaster County Adult Drug Court. Termination is effective July 3, 2006. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

7) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. A leasehold contract between the Lancaster County Engineering Department and Dan J. Benes, in the amount of \$10, on West McKelvie Road west of North 14th Street; Project CP-F-80. (C-06-0155)

B. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Myrtle E. Burcham on West McKelvie Road west of North 14th Street; Project CP-F-80. This is a donation. (C-06-0156)
- ▶ Gary L. and Susan J. Kuck, in the amount of \$271, on West Rock Creek Road west of Northwest 12th Street; Project C.P.C-217. (C-06-0157)
- ▶ Douglas W. Althouse, in the amount of \$617.50, at North 148th Street and Alvo Road; Project CP-H-128. (C-06-0158)
- ▶ Charles and Maxine Eastham, in the total amount of \$8,742.44, at approximately Southwest 2nd Street and Panama Road; Project C55-W-403(2). (2 contracts) (C-06-0159 and C-06-0160)

MOTION: Stevens moved and Heier seconded approval of the Consent Items. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

8) **PENDING:** *Items currently on pending may be removed at the discretion of the Board and scheduled for action on a regular Board of Commissioners agenda following a two week notification period.*

MOTION: Workman moved and Stevens seconded to remove Pending Item 8E: A resolution in the matter of County Change of Zone No. 05063, from AG Agricultural District to AGR Agricultural Residential District, requested by Steven Schmidt, on property generally located southeast of the corner of North 105th Street and Alvo Road/Highway 34 in Lancaster County, Nebraska and send notification to the applicant. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:33 p.m.. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 2, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:33 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 25, 2006.**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on April 25, 2006. Hudkins, Workman, Heier and Schorr voted aye. Stevens abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 24 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Bishop of Lincoln
Madonna Rehabilitation Hospital
St. Mark's United Methodist Church**

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **NOTICE OF ASSESSED VALUE CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE 2004 AND 2005 TAX YEAR FOR:**

Phillip R. and Diane S. Hynes

MOTION: Stevens moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and send notice of an assessed value change for property taxation purposes for the 2004 and 2005 tax year for Phillip R. and Diane S. Hynes. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Equalization meeting at 2:36 p.m.. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk